fession or admissions of the parties, owing to the danger of fraud and collusion or of coercion on the part of the husband. This rule has been generally adopted in this country either by the courts or by statute. The New Jersey Courts have held to the doctrine in the instant case, that under no consideration will a divorce be granted unless petitioner's testimony is corroborated, but corroboration may be made by the testimony of the defendant, when clear and manifestly without collision. *Hague* v. *Hague* (N. J. Eq.), 96 Atl. 579. *Williams* v. *Williams,* 78 N. J. Eq. 13, 85 Atl. 611. Though some cases seem to hold that it is sufficient corroboration if the circumstances, as shown by the expressions and conduct of the defendant, sustain the petitioner's testimony without any other witnesses. *Foote* v. *Foote,* 71 N. J. Eq. 273, 65 Atl. 205. Where other circumstances show there can be no collusion, or where the defendant vigorously fights the case, so as to leave no doubt as to the truth of the confession, or where confessions are made under conditions precluding suspicion of collusion, the reason for the rule demanding corroboration fails and most courts give a decree in accordance with *Foote* v. *Foote,* supra, even in states where statutes require corroboration, on the basis that where the statutes are in affirmance of common law they are to be construed as was the rule at common law. *Burke* v. *Burke,* 44 Kan. 307, 24 Pac. 466, 21 Am. St. Rep. 283. The New Jersey Courts go further than other courts in that they require corroborating evidence to every necessary element in the proofs, while other courts hold it sufficient if the corroborating evidence tends to support the complaint. *Williams* v. *Williams,* 81 N. J. Eq. 17, 85 Atl. 611; *Hertz* v. *Hertz,* 126 Minn. 65, 147 N. W. 825; *Allen* v. *Allen,* 188 Mich. 532, 155 N. W. 488.

EVIDENCE—RES GESTAE IN ABORTION.—On trial for abortion, it appeared that the deceased woman went to defendant's home on February 7th, and stayed till February 13th, when she returned to her mother's home; she returned to the defendant's home on February 15th and died there February 17th. The mother was allowed to testify to the declarations made by the deceased on February 14th as to the treatment given by defendant. The lower court said to the jury, "if the abortion was complete at the time of the declaration it was without probative effect; but if the abortion was at the time incomplete it could be considered as a part of the res gestae." *Held,* that the instruction was correct. *State* v. *Newell* (Minn. 1916), 159 N. W. 829.

The case agrees in result with the majority of the decisions, but different courts have given different reasons for admitting such evidence. In *State* v. *Hunter,* 131 Minn. 252, 154 N. W. 1083, the court, admitting the evidence on the basis of res gestae said, "Such declarations under particular restrictions are admissible when clearly shown to be part of the res gestae," and quote from JONES, COMM. ON EV., §344, as follows: "This rule * * * is a law unto itself, consisting of many of the ordinary rules of evidence, but primarily of relevancy; apparently setting at naught many of the exceptions, but in reality presenting a complete system of self-regulation to meet the necessities and demands of complete proof." To the same effect

is *State* v. *Power*, 24 Wash. 34, 63 Pac. 1112, 63 L. R. A. 902. In a recent Michigan case hearsay evidence of statements of the deceased made as she left the house to take a walk with the defendant were admitted as being verbal acts. The court said, "We are of opinion that it was competent to prove her utterances made when she was leaving her home, and the neighbor's home, on Tuesday evening, not as evidence of the fact that she met respondent, but as evidence of her intention to meet him, and explanatory of her purpose in going away. Her utterances were in the nature of verbal acts, accompaning the act of going away." *People* v. *Atwood*, 188 Mich. 36, 154 N. W. 112. Another line of cases admit the declarations of the woman, on the theory of declarations made in furtherance of a conspiracy to commit an unlawful act. A woman may conspire with others to produce an abortion upon herself, and the conspiracy being shown, her acts and declarations in furtherance of the common design are evidence against others engaged in the criminal act, even though not spoken in their presence. The Supreme Court of Iowa says, "Though she may not be guilty of committing an abortion on herself, it is a crime for another to do so, and, if she conspires with others to perform the act, there is no escape from the conclusion that she is a conspirator, and her declarations in promotion of the common enterprise are admissible in evidence against another conspirator on trial for the commission of the substantive crime." *State* v. *Croffard*, 133 Ia. 478, 110 N. W. 921. In *Solander* v. *People*, 2 Colo. 48, the same doctrine was announced. The court said, "She may be, and usually is, a party to the illegal combination to effect the abortion, and, as this is the ground upon which the declarations are submitted, it can make no difference that she is not criminally liable for the act." Declarations made after the act is accomplished, except as dying declarations, are not admitted. *People* v. *Hatz* 261 Ill. 239, 103 N. E. 1007; *Rex* v. *Thompson* [1912], 3 K. B. 19, Ann Cas. 1913A 530.

INFANTS—BILLS AND NOTES.—A minor was the payee of a note due upon the date of his becoming of age. His father, with the infant's consent, endorsed the infant's name upon it and delivered it to the defendant, receiving the money for it. The defendant supposed the father was the owner of the note. The money was invested and lost. The infant sued to recover the note. No actual fraud was found on his part. The NEGOTIABLE INSTRUMENT ACT provides that: "The indorsement * * * of the instrument * * * by an infant passes the property therein notwithstanding that from want of capacity * * * the infant may incur no liability thereon." *Held* that the provision of the statute did not affect the infant's right to disaffirm his contract of indorsement and that he should recover the note, *Murray* v. *Thompson* (Tenn. 1916), 188 S. W. 578.

This seems to have been the first time that the question as to the infant's right to disaffirm his contract of indorsement has come up since the passing of the NEGOTIABLE INSTRUMENTS ACT. The court states that this ACT merely settled the question as to whether the infant's indorsement was voidable or void as to which there was considerable dispute. STORY, PROMISSORY NOTES, §78.